

**NEW JERSEY COMMISSION ON SCIENCE AND TECHNOLOGY  
CODE OF ETHICS**

**I. PURPOSE:**

To state the Code of Ethics for the New Jersey Commission on Science and Technology (hereafter the "Commission"), specifying standards of conduct for employees and members to ensure the propriety of their actions as public officials.

**II. DEFINITIONS:**

All references in this Code to "person", "interest", "cause", "proceeding", "application" or "other matter" and all capitalized terms herein, except as otherwise defined in the Code shall have their meanings as set forth in the Conflicts Law.

**"Allowable entertainment expenses"** means the costs for a guest speaker, incidental music and other ancillary entertainment at any meal at an event, provided they are moderate and not elaborate or excessive, but does not include the costs of personal recreation, such as being a spectator at or engaging in a sporting or athletic activity which may occur as part of that event.

**"Business"** shall mean any firm, association, partnership or corporation in which an employee, member or relative holds an interest.

**"Business Associate"** shall mean any partners of partnership, or corporate entities in which an employee or member has an interest.

**"Code"** shall mean this Code of Ethics.

**"Conflicts Law"** or "COIL" shall mean N.J.S.A. 52:13D-12 *et seq.*

**"Commission"** shall mean the New Jersey Commission on Science and Technology established pursuant to N.J.S.A. 52:9X-1 *et seq.*

**"ECES"** shall mean the Executive Commission on Ethical Standards established pursuant to the Conflicts Law.

**"Direct benefit"** means acceptance by a member or employee from the sponsor of an event or any other person of travel, meals, accommodation, waiver of conference or event fee or any other costs associated with attending the event for which no payment is made by the State or Commission but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

**"Employee"** shall mean any person employed by the Commission and does not include independent contractors hired by the Commission.

**“Employment”** shall mean for the purposes of “outside employment” in Section VIII, direct employment and services performed as an independent contractor.

**“Ethics Liaison Officer”** shall mean the employee designated by the Executive Director to administer the requirements of this Code.

**“Event”** means a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the Commission’s work location, is sponsored or co-sponsored by a non-State government source and the invitation for which is extended to the member or employee because of his or her official position.

**“Immediate family member”** means a spouse, cohabitant, or dependent child or adult.

**“Indirect benefit”** means acceptance by a member or employee from the event sponsor or any other person of reimbursement for costs of travel, meals, accommodation, event fees, or any other costs associated with attending the event for which no reimbursement is made by the State or Commission but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

**“Interest”** shall mean:

(1) ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the “Professional Service Corporation Act,” P.L. 1969, c. 232 (C.14A:17-1 et seq.); or

(2) ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any ~~of a~~ corporation whose stock is traded on an established securities market; or

(3) ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the “Casino control Act,” P.L.1977, c.110 (C.5:12-1 et seq.); or

(4) ownership or control of, or professional employment by, a professional service corporation regardless of the extent or amount of the shareholder interest; or

(5) ownership, control, or holder of any note, loan, mortgage or similar extension of credit to a firm, association, or partnership, if the amount owed is 10% or greater of the total debt owed by the firm, association or partnership or in the case of a corporation whose stock is traded on an established securities market the amount owed is 1% or greater of the total debt owed by the firm.

**“Interested party”** shall mean any person that is or may reasonably be anticipated to be: 1) subject to the regulatory, licensing, or supervisory authority of the Commission; 2) a vendor, supplier or contractor or agent thereof; 3) an organization that advocates or represents the positions of its members to the Commission; 4) an organization that has a majority of members who are as described in 1 through 3 of this paragraph; or 5) a person engaged in the fields of science and technology so as to qualify him/her for funding, assistance or other benefit from any program of the Commission.

**“Material Inside Information”** means proprietary, confidential or nonpublic information about intellectual property, a business organization or a potential product, prior to, or after commercialization, that is not generally available to or known by the public. Such information is considered to be "material" if there is a likelihood that it would be considered important by an investor in making a decision to invest.

**“Member”** shall mean the 15 voting members of the Commission, including the eight public members appointed by the Governor, the four legislators, and the 3 ex-officio officers or their designees as established by the Commission’s enabling legislation, N.J.S.A. 52:9X-1 *et seq.* and any person who serves as a part-time employee of the Commission or serves without compensation.

**“Person”** shall mean any individual, association, organization, firm, partnership or corporation.

**“Pecuniary”** shall mean any financial interest, economic interest, or anything with monetary value, or anything that can be converted into monetary value.

**“Reasonable expenditures for travel or subsistence”** means commercial travel rates directly to and from an event and food and lodging expenses which are moderate and neither elaborate nor excessive.

**“Relative”** means a parent, child, sibling, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or first cousin, whether in whole or half blood, by marriage, adoption or natural relationship, and the spouse of any such person, except that the term shall not include an immediate family member.

**“Supplier”** means any private sector person that is providing or is seeking to provide or may reasonably be expected to provide goods and/or services to the Commission, including, but not limited to, consultants, vendors and lessors.

**“Thing of value”** includes, but is not limited to, compensation; money; a stock, bond, note or other investment in an entity; employment, offer of employment; gift; reward; honorarium; favor; goods, service; loan; forgiveness of indebtedness; gratuity; property or real property; labor; fee; commission; contribution; rebate or discount in the price of any thing of value; an automobile or other means of personal transportation; entertainment; meals; or any other thing of value offered to or solicited or accepted by a member or employee in connection with his or her official position.

### **III. BASIC PREMISE**

The Commission as an agency of State government has a basic purpose to serve the public interest. All employees and members must therefore conduct themselves in the course of their official duties in such manner as to hold the respect, trust and confidence of the public. They must avoid any activities or associations which are, or might justifiably appear to be, in violation of the public interest. As to interactions with family members or their private sector employers, the Commission generally recommends recusal from matters involving the relative and /or the relative's employer in order to eliminate any appearance of impropriety. To this end, all employees and members shall be bound by the provisions of this Code, and by the provisions of the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.

### **IV. GENERAL PROVISIONS - RESTRICTIONS ON OUTSIDE ACTIVITY**

- a. No employee or member shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest.
- b. No employee or member shall make, directly or indirectly, or advise or otherwise assist any other person to make any financial investment based upon information available to him/her through his/her official position, unless such information is generally available to the public and provided that such investment or related advice and assistance is made or given in a manner consistent with the other provisions of this Code, the Conflicts Law and any other applicable provisions of the law.
- c. No employee or member shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his/her objectivity or independence of judgment in the exercise of his/her official duties.
- d. No employee or member shall engage in any particular business, profession, trade, or occupation which is subject to licensing or regulation by a specific agency of State Government, without promptly filing notice with the Ethics Liaison Officer, who shall then file same with the ECES.

### **V. RESTRICTIONS ON INDIVIDUAL CONDUCT**

- a. No employee or member shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that s/he may be engaged in conduct violative of his/her trust as a member or employee.
- b. No employee or member shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.
- c. No employee or member shall use for the purpose of pecuniary gain whether to him/herself or any other person, whether directly or indirectly, any information not generally available to members of the public which he/she receives or acquires in the

conduct of and by reason of his/her official duties. During the employee or member's term of official duties, the prohibition on use of information shall include information related to any final or intermediate product, process, patent, or intellectual property for which research for the final or intermediate product, process, patent, or intellectual property that was funded in whole or part by a grant issued by the Commission whether or not the information is generally available to the public. The use of information that a member or employee has, or has had, access to in his official capacity which has not been made public to acquire a pecuniary interest in any property, transaction or enterprise or to speculate or wager on the basis of such information is prohibited and may constitute a criminal offense under N.J.S.A. 2C:30-3 and/or a violation of state and/or federal securities laws. The Commission shall refer all allegations of a violation of this provision to the appropriate law enforcement agency for investigation and appropriate action.

d. No employee or member shall willfully or negligently disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public, which he/she receives or acquires in the course of and by reason of his/her official duties. All information submitted to the Commission by applicants shall be considered material inside information and confidential for the purposes of this section. The disclosure of material inside information by a member or employee to aid another person to use the information to acquire a pecuniary interest in any property, transaction or enterprise or to speculate or wager on the basis of such information is prohibited and may constitute a criminal offense under N.J.S.A. 2C:30-3 and/or a violation of state and/or federal securities laws. The Commission shall refer all allegations of a violation of this provision to the appropriate law enforcement agency for investigation and appropriate action.

e. No employee or member shall use Commission resources, property, and funds for personal gain or benefit.

- 1) Commission property, including office supplies, cars, funds, and other resources may only be used for Commission business and not for personal or private use.
- 2) Commission employees may not utilize Commission business time, whether their own or that of other employees, for personal or private purposes.

f. No employee or member shall act in his/her official capacity in any matter wherein s/he has a direct or indirect personal or financial interest that might be expected to impair his/her objectivity or independence of judgment.

g. No ex-officio member, or Legislative member or employee, directly or indirectly, shall knowingly undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more with any State agency. The provisions of this section shall not apply (1) to purchases, contracts, agreements or sales which are made or let after public notice and competitive bidding, or which, pursuant to N.J.S.A. 52:34-10, may be made, negotiated or awarded without public advertising for bids; or (2) to any contract of insurance entered into by the Director of the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 52:27B-62, if such purchases, contracts or agreements, including change orders and amendments thereto, shall receive prior approval of the Executive Commission on Executive Standards.

h. No member or employee, nor any member of the immediate family of any member or employee, nor any business organization in which the member or employee is associated or has an interest, directly or indirectly, shall hold an interest in or employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or on behalf of any holding or intermediary company with respect thereto, unless in the judgment of the Executive Commission on Ethical Standards such employment will not interfere with the responsibilities of the member or employee and will not create a conflict of interest on the part of the member or employee. For purposes of this section, an interest in a business organization shall not include aggregate familial ownership or control of one percent or less of an interest in the capital or equity of the business organization, except as provided in N.J.S.A. 52:13D-17.2.

**VI. RESTRICTION ON REPRESENTATION, APPEARANCE OR NEGOTIATION IN MATTERS PENDING BEFORE THE COMMISSION [N.J.S.A. 52:13D-16]**

a. No member or employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the Commission in connection with any cause, proceeding, application or other matter pending before the Commission.

b. No employee or member who is also a member of the Legislature, nor any partnership, firm or corporation in which he/she has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency. Nothing contained herein shall be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf. This subsection shall not be deemed to prohibit a member who is also a member of the Legislature or an employee of the Legislature on the Legislative member's behalf from: (1) making an inquiry for information on behalf of a constituent, which may include ascertaining the status of a matter, identifying the statutes or regulations involved in a matter or inquiring how to expedite a matter; (2) assisting the constituent in bringing the merits of the constituent's position to the attention of a State agency; or (3) making a recommendation on a matter or indicating support for a constituent's position to a State agency if no fee, reward, employment, offer of employment, or other thing of value is promised to, given to or accepted by the member of the Legislature or an employee thereof, whether directly or indirectly, and the member or employee does not endeavor to use his official position to improperly influence any determination. As used in this subsection "constituent" shall mean any State resident or other person seeking legislative assistance. Nothing contained herein shall authorize contact with State agencies by members of the Legislature or their employees which is otherwise prohibited by the criminal law, this act or the Code of Ethics and nothing contained herein shall authorize contact with an administrative law judge or agency head during the hearing of a contested case.

c. Nothing contained in this section shall be deemed to prohibit any member or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:

- 1) Pending before any court of record of this State,
- 2) In regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation),
- 3) In connection with the determination or review of transfer inheritance or estate taxes,
- 4) In connection with the filing of corporate or other documents in the office of the Secretary of State,
- 5) Before the Division on Civil Rights or any successor thereof,
- 6) Before the New Jersey State Board of Mediation or any successor thereof,
- 7) Before the New Jersey Public Employment Relations Commission or any successor thereof,
- 8) Before the Unsatisfied Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to P.L.1952, c. 174, § 5 (C. 39:6-65), or
- 9) Before any State agency on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he/she is not holding any office or employment in the State agency in which any such proceeding is pending.

**VII. ADDITIONAL RESTRICTIONS ON OUTSIDE AND INDIVIDUAL ACTIVITY RELATED TO COMMISISON GRANTS**

a. No employee, nor member, nor any business in which the employee or member, has an interest shall enter into any contract or receive any direct or indirect benefit from any funding, program, grant or other activity of the Commission, except as permitted under N.J.S.A. 52:13D-19.1 where the contract is for the development of scientific or technological discoveries or innovations in which a State agency has a property right, and if that State agency has a procedure in its Code of Ethics authorizing these contracts.

- 1) Any member or employee who asserts that Section N.J.S.A. 52: 13D-19.1 applies to a contract in which he/she, or a firm in which he/she holds an interest, as a party with such a state agency, shall disclose this circumstance to the Ethics Liaison Officer immediately and shall recuse himself from all actions by the Commission concerning the State agency involved.
- 2) In the case where the benefit to a member or employee arises from the employment of an immediate family member as a result of any funding, program, grant or other activity of the Commission the member or employee shall disclose the conflict and recuse himself pursuant to Section IX and paragraph (3) below.

- 3) In any case when the employer of an immediate family member is an academic institution or university, the recusal shall apply to all subdivisions at and below the organizational level of the institution that is responsible for establishing the budgets at the level of the school, department, or division that is the applicant or recipient of a benefit from the Commission.

b. No immediate family member of a member or employee, nor any employer or business in which the immediate family member holds an interest in or is employed by, shall be eligible for funding, programs, grants or other benefits of the Commission unless the employee or member discloses the interest and recuses himself/herself pursuant to the provisions of Section VII and paragraph (1) below.

- 1) In any case when the employer of an immediate family member is an academic institution or university, the recusal shall apply to all subdivisions at and below the organizational level of the institution that is responsible for establishing the budgets at the level of the school, department, or division that is the applicant or recipient of a benefit from the Commission.

c. No relative of a member or employee, nor any business in which the spouse, cohabitant or dependant holds an interest in or is employed by, shall be eligible for funding programs, grants or other benefits of the Commission unless the employee or member has disclosed the relationship and the employee has recused himself or the Ethics Liaison Officer has determined that no conflict of interest exists to require recusal.

d. Pursuant to N.J.S.A. 52:9X-9j, no member serving on any Peer Review Committee of the Commission, nor an institution with which the member is affiliated, shall be eligible as an applicant to the Commission. A member serving on a Peer Review Committee shall notify his affiliated institution in writing of this statutory requirement prior to his agreement to serve the Commission in this capacity. A copy of the notice shall be filed with the Ethics Liaison Officer.

#### **VIII. DISCLOSURE OF CERTAIN CONFLICTS OF INTEREST:**

a. Employees and members shall file a Disclosure Statement, in which he/she shall identify offices held and any outside employment for both himself and to the extent known, his relatives. A copy of the Disclosure Statement shall be filed annually with the Commission for each employee and Commission member on forms provided by the Ethics Liaison officer.

b. All outside activities of employees reported on the Disclosure Statement must be reviewed and approved by the Ethics Liaison Officer for the purpose of avoiding any conflict of interest. All Disclosure Statements filed by employees which disclosure outside employment shall be forwarded to the ECES for review.

c. In the event a member or employee shall be or become interested, either directly or indirectly, in any project, or in any contract, sale, purchase, lease or transfer of real,



personal, or intellectual property, to which the Commission is a party, the member or employee shall, as soon as he/she knows of such interest, in addition to taking any other action required by law and this Code, fully disclose any such interest in writing to the Commission.

## **IX. RECUSAL PROCESS**

a. An employee or member shall recuse himself/ herself from a matter if he/she has:

- 1) Any financial interest, direct or indirect, that is incompatible with the discharge of his/her duties as an employee or member; or
- 2) Any personal interest, direct or indirect, that is incompatible with the discharge of his/her duties as an employee or member; or
- 3) He/she is required to recuse himself/herself pursuant to an express provision of this Code.

b. For the purposes of (a) above, an incompatible financial or personal interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to a business associate or business investment; and a leadership role in a professional or trade organization; which interest might reasonably be expected to impair the employee's or member's objectivity and independence of judgment in the exercise of his/her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that he/she may be engaged in conduct violative of his/her trust as an employee or member.

c. An incompatible financial or personal interest may exist in other situations which are not clearly within the provisions of (a) and (b) above, depending on the totality of the circumstances. The employee or member shall contact the Ethics Liaison Officer or the ECES for guidance in such cases.

d. An employee or member shall seek the advice of the Ethics Liaison Officer, the Commission's legal counsel or the ECES as to the propriety of participation in a matter if a person requests that the employee or member recuse himself/herself from that matter. Oral advice, followed up by writing, may be provided by the Ethics Liaison Officer or the ECES to avoid delay. Oral advice should subsequently be memorialized by writing.

e. If an employee or member finds, or is advised by the Ethics Liaison Officer, that an incompatible financial or personal interest exists on a matter, the employee or member must recuse himself/herself from that matter or seek advice from the ECES. The recusal must be absolute, that is, the employee or member must have no involvement with the matter from which he/she has recused himself/herself.

f. All recusals, other than those provided for in (g) below, shall be memorialized in writing. The writing shall:

- 1) Specify the reason for and the date of the recusal;
- 2) Specify the duration of the recusal (which may be expressed in terms related to the pendency of the matter in the Commission);
- 3) Specify the effect of the recusal on the employee or member and the Commission (for example, that the employee or member is not to be contacted or involved or participate in any manner concerning the matter from which he/she has been recused);
- 4) Name the person who is to assume responsibility and authority for the matter from which the employee or member has been recused (if applicable); and
- 5) Be disseminated to all persons who might be affected by the employee or member's recusal and to the Ethics Liaison Officer, who shall maintain the writing for as long as the employee or member serves in his/her position.

g. In the case of a Board meeting where a public record of a proceeding is maintained, formal written recusal is not required, however, the following procedures must be followed:

- 1) To the extent feasible, meeting materials involving a matter from which the member must recuse himself/ herself should not be distributed to the member;
- 2) At the subject meeting, the member must place his/her recusal and the reason for such recusal on the record prior to any discussion of the matter; and
- 3) The member shall leave the room at a non-public portion of the meeting while the matter in question is under discussion.

**X. ACCEPTANCE OF COMPENSATION, GIFTS OR OTHER THING OF VALUE:**

a. No employee or member shall accept from any person, whether directly or indirectly and whether by himself or through his spouse or any member of his family or through any partner or associate, any gift, favor, service, employment or offer of any other thing of value which he/she knows or has reason to believe, or under circumstances from which it might be reasonably inferred, is offered with intent to influence him in the performance of his public duties and responsibilities. This section shall not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office.

**Paragraphs (b) through (f) Refer to Interested Parties: [N.J.A.C. 19:61-6.9]**

b. A member or employee shall not solicit or accept, directly or indirectly, any thing of value from an interested party.

c. A member or employee must disclose and remit to his Ethics Liaison Officer any offer or receipt of any thing of value from an interested party.

d. The Ethics Liaison Officer shall return the thing of value to the donor or, in the case of a perishable thing of value, transfer it to an appropriate nonprofit entity in the name of the donor.

e. A member or employee or the Commission may retain and use unsolicited gifts or benefits of trivial value, such as complimentary articles offered to the general public, and gifts received as a result of mass advertising mailings to the general business public if such use does not create an impression of a conflict of interest or a violation of the public trust. If circumstances exist which create a reasonable doubt as to the intention with which the gift or benefit was offered, (d) above shall govern.

f. The Ethics Liaison Officer shall keep records of all such occurrences, names of the members, employees, individuals, and companies involved, and the final disposition of the thing of value.

**Paragraphs (g) through (l) refer to other than an interested party [N.J.A.C. 19:61-6.10 ]**

g. A member or employee must disclose to the Ethics Liaison Officer any offer or receipt of a thing of value from an entity other than an interested party.

h. The Ethics Liaison Officer shall determine whether the thing of value was given or offered with the intent to influence or reward the performance of the member or employee's public duties and responsibilities, or whether it may be reasonably inferred to have been given or offered with the intent to influence the performance of his/her public duties and responsibilities, or whether the use of the item will create an impression of a conflict of interest or violation of the public trust. The Ethics Liaison Officer shall also determine whether the thing of value is offered by a lobbyist or government affairs agent, as defined in N.J.S.A. 52:13C-18, and whether its acceptance by a member or employee will exceed the calendar year limit of \$250.00 established by N.J.S.A. 52:13D- 24.1.

i. Upon a determination that there was an intent to influence or it could be reasonably inferred that there was an intent to influence the performance of the recipient's public duties and responsibilities, or that the use of the item will create an impression of a conflict or a violation of the public trust, the Ethics Liaison Officer shall return the thing of value to the donor or, in the case of a perishable thing of value, transfer it to an appropriate nonprofit entity in the name of the donor.

j. Upon a determination that a member or employee may accept a thing of value from an entity other than an interested party, the Ethics Liaison Officer shall so notify the member or employee. Such notification shall include an indication of whether the member or employee, in accepting the thing of value, has exceeded or will exceed the \$250.00 calendar year limit with respect to a lobbyist or government affairs agent.

k. A member or employee or the Commission may retain and use unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public if such use does not create an impression of a conflict of interest or a

violation of the public trust. If circumstances exist which create a reasonable doubt as to the intention with which the gift or benefit was offered, (i) above shall govern.

l. The Ethics Liaison Officer shall keep records of all such occurrences, names of the members and employees, individuals, and companies involved, and the final disposition of the thing of value.

**XI. ATTENDANCE AT EVENTS, ACCEPTANCE OF HONORARIA**

**Attendance at an events sponsored by an interested party are governed by paragraphs (a) through (g) below. [N.J.A.C. 19:61-6.4]**

a. A member or employee shall secure the prior approval of the Ethics Liaison Officer and the Executive Director to attend an event sponsored by an interested party

b. Except as provided in (c) below:

- 1) The Commission shall pay the reasonable expenses of the member or employee associated with attending the event, and
- 2) Neither the member or employee nor the Commission shall receive any direct or indirect benefit from any other source.

c. The requirement and prohibition in (b) above need not apply if the event is designed to provide training, dissemination of information, or the exchange of ideas and the member or employee is making a speech, is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant, subject to the reasonable approval of the Executive Director. The direct or indirect benefit provided to the member or employee by the sponsor of the event may include the following:

1) Reimbursement or payment of actual and reasonable expenditures for travel or subsistence and allowable entertainment expenses associated with attending an event in New Jersey if expenditures for travel or subsistence and entertainment expenses are not paid for by the Commission;

2) Reimbursement or payment of actual and reasonable expenditures for travel or subsistence outside New Jersey, not to exceed \$500.00 per trip, if expenditures for travel or subsistence and entertainment expenses are not paid for by the Commission. The \$500.00 per trip limitation shall not apply if the reimbursement or payment is made by:

- (a) A nonprofit organization of which the member or employee is, at the time of reimbursement or payment, an active member as a result of the payment of a fee or charge for membership to the organization by the State; or
- (b) A nonprofit organization that does not contract with the State to provide goods, materials, equipment, or services.

d. If an actual conflict or the appearance of a conflict could arise under the application of (c) above, (b) above shall govern.

e. Approvals granted under (c) above must be forwarded to the ECES for review.

f. The member or employee may pay his/her own expenses with his or her personal funds.

g. The member or employee shall not accept an honorarium or fee for a speech or presentation at an event covered by this section.

**Attendance at events sponsored by an entity other than an interested party are governed by paragraphs (h) through (l) below. [N.J.A.C. 19:61-6.5]**

h. The member or employee shall secure the prior approval of the Executive Director to attend such an event.

i. The Commission may pay the reasonable expenses of the member or employee associated with attending the event or may permit the member or employee to accept direct or indirect benefits. Direct or indirect benefits may include the following:

1) Reimbursement or payment of actual and reasonable expenditures for travel or subsistence and allowable entertainment expenses associated with attending an event in New Jersey if expenditures for travel or subsistence and entertainment expenses are not paid for by the Commission;

2) Reimbursement or payment of actual and reasonable expenditures for travel or subsistence outside New Jersey, not to exceed \$500.00 per trip, if expenditures for travel or subsistence and entertainment expenses are not paid for by the Commission. The \$500.00 per trip limitation shall not apply if the reimbursement or payment is made by:

i. A nonprofit organization of which the member or employee is, at the time of reimbursement or payment, an active member as a result of the payment of a fee or charge for membership to the organization by the Commission; or

ii. A nonprofit organization that does not contract with the Commission to provide goods, materials, equipment, or services.

j. An interested party shall not provide a direct or indirect benefit to the member or employee in order to facilitate his/her attendance.

k. A member or employee making a speech or presentation at the event shall not accept an honorarium or fee from the sponsor.

l. Under no circumstances shall a member or employee accept entertainment collateral to the event, such as a golf outing, or meals taken other than in a group setting with all attendees, or reimbursement therefore.

## **XII. POST EMPLOYMENT RESTRICTIONS**

No employee or member, subsequent to the termination of his/her office or employment with the Commission, shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of or provide information not generally available to the public or services to, whether by himself/herself or through any partnership, firm or corporation in which he/she has an interest or through, any partner, officer or employee thereof, any person or party other than the Commission in connection with any cause, proceeding, application or other matter with respect to which such employee or member shall have made any investigation, rendered any ruling, given any opinion, or been otherwise been substantially and directly involved at any time during the course of his/her office or employment. Any employee or member who willfully violates the provisions of this section is a disorderly person, and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 6 months, or both.

Any former employee affected by the above restriction can seek guidance from the New Jersey Executive Commission on Ethical Standards.

## **XIII. RESTRICTIONS ON AGENCY HEADS**

The Executive Director and Associate and Assistant Director(s) are prohibited from having any personal contractual or business relationships with another officer or employee or member of the Commission.

## **XIV. ENFORCEMENT**

This Code of Ethics is adopted by the New Jersey Commission on Science and Technology pursuant to the provisions of the Conflicts Law. Any violation of this Code shall be cause for removal, suspension, demotion or other disciplinary action, including any penalty which may be imposed by law. All conflict of interest matters involving members or employees shall be referred to the Ethics Liaison Officer. The Ethics Liaison Officer shall refer all allegations involving a violation of this Code to the Commission's Executive Committee, which shall serve as the Ethical Review Committee for the Commission. The Committee shall investigate each such matter referred pursuant to this Code, shall make findings and determinations and shall refer matters to the Executive Commission on Ethical Standards as required by the Conflicts Law.

## **XV. NOTICE**

In addition to the provisions of this Code, members and employees are also subject to the requirements of the Conflicts Law and applicable regulations of the ECES, N.J.A.C. 19:61

## **ACKNOWLEDGMENT**

I acknowledge receipt of the Code of Ethics of the NJ Commission on Science and Technology. I am aware that there are Post Employment Restrictions, and I understand that it is my responsibility to read and comply with these standards.

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Member/Employee's Signature

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Date